

REMARKS

Claims 17, 20-21, 23-36 are pending in the application. Claims 1-16 were previously canceled, and claims 18-19, and 22 are presently canceled. Claims 17, 20, 30-32, and 34 have been amended. New claims 35-36 have been added.

Applicant has added new claims 35-36. Basis for claims 35-36 can be found, for example, in Figure 2, showing the cross-section of undercut slot 2 at the location of a widened section 17, as well as in the specification on page 3, paragraph 11. Accordingly, no new matter has been added.

Rejections Under 35 U.S.C. §103(a)

Claims 17-18, 21-22, and 24-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,055,317 to Griess (hereinafter "Griess") in view of United States Patent No. 2,854,307 to Londeree et al. (hereinafter "Londeree") and/or United States Patent No. 3,848,844 to Barrett (hereinafter "Barrett").

Applicant has amended independent claims 17, 30-32, and 34 to recite, in relevant part, "wherein the undercut runners are undercut correspondingly to the undercut slots, and at least one undercut slot comprises a widened section such that an undercut runner can be inserted therein to hook into the respective undercut slot." Applicant respectfully submits that none of the cited art, alone or in combination, discloses or suggests an undercut slot including a widened portion such that an undercut runner can be inserted therein to hook into the respective undercut slot.

The Examiner has asserted that Griess discloses a galley on an aircraft with service trolleys. The Examiner also acknowledges that Griess is silent on the wall having modules that are slideable on the wall, slots on the wall, runners on the back of the modules, and lifting means. The galley of Greiss includes a multiplicity of modules which are suspended from the wall and fixed to the wall. The modules of Greiss cannot be moved up and/or down the wall and cannot be removed from the wall. Greiss further fails to disclose or suggest vertical guides and lifting means.

In order to rectify the deficiencies of Griess, the Examiner applies Londeree as disclosing a module, a wall, guides running in the vertical direction, mushroom shaped runners on the rear that can be hooked to the slots and undercut to the slots that are widened. The Examiner further alleges that lifting means are well-known. In the alternative, the Examiner applies Barrett as disclosing that the undercuts have T-shapes to allow the elements to slide in the slots. Applicant respectfully submits that neither Griess, nor Londeree, nor Barrett, nor the combination of Griess and/or Londeree and Barrett discloses or suggests that at least one undercut slot including a widened portion such that an undercut runner can be inserted therein to hook into the respective undercut slot as presently recited in independent claims 17, 30-32, and 34.

As stated on page 3, paragraph 11, of Applicant's specification:

With a view to reliable fixing of the modules to the wall and a simple procedure for this as well as a simple procedure for uncoupling the modules from the wall, it is preferable according to the invention if the slots are widened in places such that, on the one hand, a said undercut runner can be inserted here, essentially unimpeded, in the horizontal direction so as then to hook into the respective undercut slot after being moved vertically and that, on the other hand, the runner hooking into the slot can be removed from the slot in the horizontal direction after it has been positioned in the widened part of the slot. In this way it becomes possible, inter alia, to construct the runner as a component without moving parts, such as a moving projection. This makes functioning of the runner more reliable, in which context it must be borne in mind in particular that the runner is also an important component in locking the module to the aircraft. (emphasis added).

The Examiner has taken the position that Londeree discloses that "mushroom shaped runners 46, 70 on the rear that can be hooked into the slots and undercut to the slots that are widened (this is where the runner can be inserted in the horizontal direction)" on page 2 of the Office Action. However, Londeree does not disclose or suggest that the undercut slots include widened portions, as presently claimed. Furthermore, the Examiner fails to assert a Figure or reference in the specification of Londeree which discloses this claimed feature. With respect to the teachings of Barrett, the Office Action asserts that Barrett discloses undercuts

having T-shapes to allow elements to slide in the slots. Applicant respectfully submits that Barrett fails to disclose or suggest an undercut slot including a widened portion, as presently claimed. Accordingly, Applicant submits that the combination of Griess and Londeree and/or Barrett fails to disclose or suggest all of the claim limitations of Applicant's independent claims 17, 30, 31 and 32.

In addition, Applicant submits that one skilled in the art would not readily combine the teachings of Griess and Londeree. Although the structure of Londeree may be well-suited for application in permanent buildings, the structure of Londeree has considerable weight and would therefore not be desirable for use in aircraft or train applications in which weight-savings are at a premium. Therefore, Applicant further submits that the teachings of Griess and Londeree would not be readily combinable for aircraft or train applications.

Furthermore, Applicant submits that one skilled in the art would not readily combine the teachings of Griess and Barrett. Barrett is directed to adjustable display shelves employed in commercial establishments for displaying merchandise to customers. Barrett has nothing to do with aircraft or train galleries. In addition, although Barrett discloses a vertical guide 20 with an undercut slot 24 receiving an undercut runner 34 of a bracket 28 for supporting a shelf, referring to Col. 8, lines 35-36 of Barrett, "the horizontally extending support brackets are installed by engaging them at the end of the support member and moving them along the slot." In contrast, the presently claimed invention includes widened sections wherein the undercut runner can be inserted therein in the horizontal direction to hook into the respective undercut slots. Accordingly, engagement of Barrett occurs at the end of the support member as opposed to Applicant's system in which engagement occurs through the widened sections.

It is further respectfully submitted that dependent claims 21, 24-29 depend directly or indirectly from independent claim 17 and are believed patentable for the reasons stated herein.

Reconsideration and withdrawal of the rejection of claims 17, 21, and 24-31 under 35 U.S.C. §103(a) is respectfully requested.

Claims 20 and 32-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Griess in view of Londeree and/or Barrett further in view of United States Patent No.

4,067,477 to Chalabian (hereinafter "Chalabian"). Claim 20 depends from independent claim 17.

Applicant respectfully submits that, as discussed above, neither Griess, Londeree, Barrett or the combination of Griess with Londeree and/or Barrett, discloses or suggests that the undercut slots include widened portions such that an undercut runner can be inserted therein to hook into the respective undercut slots, as recited by independent claims 17 and 32-34. Chalabian is directed to a stand alone vending machine, and has nothing to do with aircraft or train galleries. Furthermore, Chalabian fails to disclose an undercut runner or an undercut slot, and still further fails to disclose or suggest a widened section of an undercut slot, as presently claimed. Accordingly, Chalabian fails to rectify the deficiencies of Griess, Londeree, and Barrett. Applicant submits that claims 20 and 32-34 are patentable over the cited art. Reconsideration and withdrawal of the rejection of claims 19 and 32-34 under 35 U.S.C. §103(a) are respectfully requested.

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Griess in view of Londeree and/or Barrett further in view of United States Patent No. 6,454,208 to Nervig et al. (hereinafter "Nervig"). Specifically, the Examiner asserts that Nervig discloses a spindle with arms that move by internal screw thread. Dependent claim 23 depends directly from independent claim 17. Applicant submits that Nervig fails to rectify the deficiencies of the combination of Griess and/or Londeree and Barrett. Specifically, Applicant submits that Nervig fails to disclose or suggest that the at least one undercut slot including a widened portion such that an undercut runner can be inserted therein to hook into the respective undercut slot, as recited by independent claims 17. Accordingly, Applicant submits that neither Nervig, nor the combination of Griess, Londeree, Barrett and/or Nervig, teaches all of the limitations of claim 23. Reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §103(a) are respectfully requested.

In addition to the aforementioned claimed elements which are not disclosed or suggested by Griess, Londeree, Barrett, Chalabian, and Nervig, there is no motivation to combine the teachings thereof. Obviousness of claims is based on underlying factual inquiries including (1) the scope and content of the prior art; (2) the differences between the claimed

invention and the prior art; and (3) the level of ordinary skill in the relevant art. *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). To hold a claim as obvious over prior art requires an articulated reason or rationale to support the obviousness rejection. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. _____, 82 USPQ 2d 1385 (2007).

The Examiner asserts on page 2 of the Office Action that "it would have been obvious to one skilled in the art at the time the invention was made to have used a module, wall, guides, running in the vertical direction, mushroom shaped runner of the rear that can be hooked to the slots and undercut to the slots that are widened (this is where the runner can be inserted in the horizontal direction), and lifting means in Griess' system as taught by Londeree et al and/or Barrett to accommodate passengers. It would have been obvious to have used the undercuts with T shapes in Griess' system as taught by Londeree et al and/or Barrett to allow the modules to slide up and down the slots." A *prima facie* case of obviousness has not been established since the required reasoning and rational underpinning to support an assertion that independent claims 17, 30-32, and 34 are obvious over the combination of Griess, and/or Londeree and/or Barrett and/or Chalabian and/or Nervig is lacking. None of the cited references suggests any motivation for combination, nor are the structures identified therein capable of combination.

The "key to supporting any rejection under 35 U.S.C. §103 is the clear articulation of the reason(s) why the claimed invention would have been obvious". MPEP §2142. Furthermore, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". MPEP §2142; *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Here, the assertion that the teachings of Griess are combinable with Londeree and/or Barrett and/or Chalabian and/or Nervig is based on impermissible hindsight reconstruction as there is no suggestion or disclosure of the complex redesign that would be required to make the structure of Griess combinable with any of Londeree and/or Barrett and/or Chalabian and/or Nervig.

Appl. No. 10/521,724
Amdt. Dated: May 19, 2008
Reply to Office Action of December 18, 2007
Attorney Docket No. 0470-050128

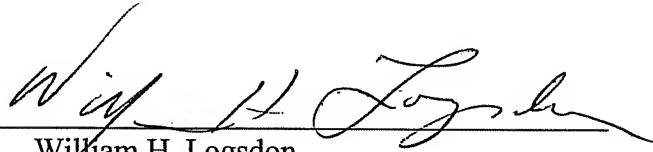
Conclusion

Applicant submits that, as amended, claims 17, 20-21, and 23-36 are patentable over the cited art of record. A Notice of Allowance is respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



William H. Logsdon
Registration No. 22,132
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094